PREPARED BY AND RETURN TO:
Lori Winston
Shapiro & Kirsch, LLP, Attorney
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Memphis, TN 38117
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BILL GARRETT, Davidson County
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Fees:18.00 Taxes:532.80
20111228-0101320

Name: Steven Kiss, and Larry S. Soennichsen

S&K#: 10-013554

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, by Deed of Trust dated February 25, 2004, recorded in Instrument No. 20040302-0023410 in the Register's Office of Davidson County, Tennessee, Steven Joseph Kiss and Larry S. Soennichsen, both unmarried conveyed to Arnold M. Weiss, Attorney, Trustee, the hereinafter described property for the purpose of securing the payment of the indebtedness and performance of the obligations therein mentioned and set forth; and,

WHEREAS, WELLS FARGO BANK, N.A., as Trustee for the POOLING AND SERVICING AGREEMENT Dated as of October 1, 2004 MERRILL LYNCH MORTGAGE INVEXTORS TRUST LOAN ASSET-BACKED CERTIFICATES, SERIES 2004-WMC5 appointed the undersigned as Substitute Trustee by Instrument of record in Instrument Number 201008130063963, in the Register's Office of Davidson County, Tennessee; and,

WHEREAS, default was made in the terms and conditions of said Deed of Trust, and Notice of the Right to Foreclose has been timely given in compliance with Tennessee Code Annotated §35-5-117.

WHEREAS, WELLS FARGO BANK, N.A., as Trustee for the POOLING AND SERVICING AGREEMENT Dated as of October 1, 2004 MERRILL LYNCH MORTGAGE INVEXTORS TRUST LOAN ASSET-BACKED CERTIFICATES, SERIES 2004-WMC5 requested the undersigned to advertise and sell said property under the terms and provisions of said Deed of Trust; and,

WHEREAS, pursuant to T.C.A. § 35-5-101 Notice of the Foreclose Sale including the date, time, location, and terms of the sale was timely given by mailing a copy of the Notice of Sale by registered or certified mail, return receipt requested, to all parties entitled to said notice.

WHEREAS in pursuance of said request by said WELLS FARGO BANK, N.A., as Trustee for the POOLING AND SERVICING AGREEMENT Dated as of October 1, 2004 MERRILL LYNCH MORTGAGE INVEXTORS TRUST LOAN ASSET-BACKED CERTIFICATES, SERIES 2004-WMC5, the said property was by the undersigned, advertised for sale in conformity with the terms and provisions of sale Deed of Trust by which advertisement the sale was appointed to be held on December 9, 2011, at the Davidson County Courthouse, South Main door, One Public Square, Nashville, Tennessee, at 12:00PM; and,

WHEREAS, at the time and place mentioned in said advertisement, the undersigned offered said property for sale at public outcry to the highest and best bidder for cash at which time the said property was struck off and sold to WELLS FARGO BANK, N.A., as Trustee for the POOLING AND SERVICING AGREEMENT Dated as of October 1, 2004 MERRILL LYNCH MORTGAGE INVEXTORS TRUST LOAN ASSET-BACKED CERTIFICATES, SERIES 2004-WMC5, whose address is Ocwen Loan Servicing, LLC, 1661 Worthington Road; Suite 100, P.O. Box 24737, West Palm Beach, Florida 33415, at and for the sum of $144,000.00, that being the highest and best bid offered; and,

WHEREAS, the purchaser, being the holder of the indebtedness has complied with the terms of the sale by paying into the hands of the undersigned Substitute Trustee the expenses of the sale, the balance being applied upon said indebtedness for which property was sold.

NOW, THEREFORE, in consideration of the premises and the payment by WELLS FARGO BANK, N.A., as Trustee for the POOLING AND SERVICING AGREEMENT Dated as of October 1, 2004 MERRILL LYNCH MORTGAGE INVEXTORS TRUST LOAN ASSET-BACKED CERTIFICATES, SERIES 2004-WMC5 the sum of money so paid, receipt of which is hereby acknowledged, the undersigned, Shapiro & Kirsch, LLP, as Substitute Trustee, does hereby grant, bargain, sell and convey to the said WELLS FARGO BANK, N.A., as Trustee for the POOLING AND SERVICING AGREEMENT Dated as of October 1, 2004 MERRILL LYNCH MORTGAGE INVEXTORS TRUST LOAN ASSET-BACKED CERTIFICATES, SERIES 2004-WMC5 his successors and assigns, in fee simple forever, the property above mentioned and now further described as being in Hermitage, County of Davidson, State of Tennessee, to-wit:

Described property located in Davidson County, Tennessee, to wit:

Lot Number 161 on the Plan of Lake Park, Section 5, Revision of Lots 161, 162 and 163, of record in Plat Book 5190, Page 88, Register's Office for Davidson County, Tennessee, to which plan reference is made for a more complete description of said property.

This legal description is identical with that in Deed of Trust recorded in Instrument No. 20040302-0023410 in the Register's Office of Davidson County, Tennessee.

The grantor received title to the above-captioned real estate by Deed of Trust of record in Instrument No. 20040302-0023410 in the Register's Office of Davidson County, Tennessee.

The last deed of record is Warranty Deed, recorded in Instrument Number 200202250023355, in the Register's Office for Davidson County, Tennessee.

Subject to any unpaid taxes, subdivision restrictions, building lines and easements, State and Federal tax liens and any other matter of record.

This conveyance is subject to the right of the United States of America to redeem the land as provided for in 26 U.S.C. 7425 (d) (1). Attached hereto is a copy of said notice and letter of compliance.

SUBJECT TO TENANT(S) RIGHTS IN POSSESSION.
TO HAVE AND TO HOLD the said real property above described, together with the privileges and appurtenances and hereditaments thereunto belonging or in any wise appertaining unto WELLS FARGO BANK, N.A., as Trustee for the POOLING AND SERVICING AGREEMENT Dated as of October 1, 2004 MERRILL LYNCH MORTGAGE INVEXTORS TRUST LOAN ASSET-BACKED CERTIFICATES, SERIES 2004-WMC5 his successors and assigns, in fee simple forever, to whom the said Shapiro & Kirsch, LLP, Substitute Trustee, warrants the title to the aforesaid real property against the lawful claims of all persons claiming by, through or under him, as such Substitute Trustee, but not further or otherwise.

IN WITNESS WHEREOF, the said Shapiro & Kirsch, LLP, Substitute Trustee, has hereunto set his hand and seal on the date written below.

Shapiro & Kirsch LLP

Ashley M. Jones, Authorized Agent
D. Denise Griffin, Managing Foreclosure Attorney

STATE OF TENNESSEE
COUNTY OF SHELBY

On the 20TH day of December, 2011, before me, a Notary Public, in and for said State and County, personally appeared Ashley Jones, with whom I am personally acquainted, and who, upon oath acknowledged to be Attn agent of Shapiro & Kirsch, LLP the within named bargainor, a limited liability partnership, and that as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Limited Liability Partnership.

WITNESS my hand and Notarial Seal at Office the day and year above written.

JAMIE LANGSTON STATE OF TENNESSEE NOTARY PUBLIC SHELBY COUNTY

MY COMMISSION EXPIRES
JANUARY 05, 2015
My commission expires:

Notary Public

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is $144,000.00 which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Affiant

Subscribed and sworn to before me on the date written above.

MY COMMISSION EXPIRES
JANUARY 05, 2015
My commission expires:

Notary Public

JAMIE LANGSTON STATE OF TENNESSEE NOTARY PUBLIC SHELBY COUNTY

PROPERTY ADDRESS: 5921 New Hope Court, Hermitage, Tennessee 37076

PROPERTY OWNER AND AGENCY RESPONSIBLE FOR PAYMENT OF TAXES:
WELLS FARGO BANK, N.A., as Trustee for the POOLING AND SERVICING AGREEMENT Dated as of October 1, 2004 MERRILL LYNCH MORTGAGE INVEXTORS TRUST LOAN ASSET-BACKED CERTIFICATES, SERIES 2004-WMC5
1661 Worthington Road; Suite 100
P.O. Box 24737
West Palm Beach, Florida 33415

S & K File #10-013554
Map & Parcel -09805004300

PREPARED BY AND RETURN TO:
Shapiro & Kirsch, LLP, Attorney
555 Perkins Road Extended, Second Floor
Memphis, TN 38117
(901)767-5566
Fax (901)761-5690

COST OF PUBLICATION

First Insertion [redacted]
Second Insertion [redacted]
Third Insertion [redacted]

Total [redacted]

SUBSTITUTE TRUSTEE'S SALE

Sale at public auction will be on **December 9, 2011 at 12:00 PM local time,** at the Davidson County Courthouse, South Main door, One Public Square, Nashville, Tennessee pursuant to Deed of Trust executed by, Steven Joseph Kiss and Larry S. Soennichsen, both unmarried, to Arnold M. Weiss., Attorney, Trustee, on February 25, 2004 at Instrument No. 20040302-0023410; conducted by Shapiro & Kirsch, LLP Substitute Trustee, all of record in the Davidson County Register's Office.

Owner of Debt: WELLS FARGO BANK, N.A., as Trustee for the POOLING AND SERVICING AGREEMENT Dated as of October 1, 2004 MERRILL LYNCH MORTGAGE INVESTORS TRUST LOAN ASSET-BACKED CERTIFICATES, SERIES 2004-WMC5

The following real estate located in Davidson County, Tennessee, will be sold to the highest cash bidder subject to all unpaid taxes, prior liens and encumbrances of record:

Described property located in Davidson County, Tennessee, to wit:

Lot Number 161 on the Plan of Lake Park, Section 5, Revision of Lots 161, 162 and 163, of record in Plat Book 5190, Page 88, Register's Office for Davidson County, Tennessee, to which plan reference is made for a more complete description of said property.

Street Address: 5921 New Hope Court, Hermitage, Tennessee 37076

Parcel Number: 09805004300

Current Owner(s) of Property: Steven Joseph Kiss and Larry S. Soennichsen, Joint Tenants with Rights of Survivorship

Other Interested parties: GB Home Equity LLC, Mortgage Electronic Registration Systems, Inc. and GB Home Equity, LLC

The street address of the above described property is believed to be 5921 New Hope Court, Hermitage, Tennessee 37076, but such address is not part of the legal description of the property sold herein and in the event of any discrepancy, the legal description herein shall control.

SALE IS SUBJECT TO TENANT(S) RIGHTS IN POSSESSION.

If applicable, the notice requirements of T.C.A. 35-5-117 have been met.

Notice of this Substitute Trustee's Sale has been timely given to the United States as required by 26 U.S.C. § 7425(b).

Terms of Sale will be public auction, for cash, free and clear of rights of homestead, redemption and dower, and the rights of Steven Joseph Kiss and Larry S. Soennichsen, both unmarried, and those claiming through them, and subject to the right of redemption by the DEPARTMENT OF TREASURY, INTERNAL REVENUE SERVICE by reason of tax lien of record in Instrument Number 20080624-0058858 at the Register's Office of Davidson County, Tennessee, subject to any accrued taxes and restrictions.

SALE IS SUBJECT TO ANY INTEREST THAT MAY EXIST IN UNRELEASED DEED OF TRUST OF RECORD AT BOOK 8336, PAGE 659, AND BOOK 8280 PAGE 286, IN THE REGISTER'S OFFICE OF DAVIDSON COUNTY, TENNESSEE.

All right of equity of redemption, statutory and otherwise, and homestead are expressly waived in said Deed of Trust, and the title is believed to be good, but the undersigned will sell and convey only as Substitute Trustee.

The right is reserved to adjourn the day of the sale to another day, time, and place certain without further publication, upon announcement at the time and place for the sale set forth above.

If the highest bidder cannot pay the bid within twenty-four (24) hours of the sale, the next highest bidder, at their highest bid, will be deemed the successful bidder.

This property is being sold with the express reservation that the sale is subject to confirmation by the lender or trustee. This sale may be rescinded at any time.

This office may be a debt collector. This may be an attempt to collect a debt and any information obtained may be used for that purpose.

Shapiro & Kirsch, LLP Substitute Trustee
www.kirschattorneys.com
Law Office of Shapiro & Kirsch, LLP
555 Perkins Road Extended, Second Floor
Memphis, TN 38117
Phone (901)767-5566
Fax (901)761-5690

File No. 10-013554
Nov. 4, 11, 18, 2011 Pg13480

PROOF OF PUBLICATION

THE WESTVIEW NEWSPAPER, LLC dba/ NASHVILLE LEDGER, the Publisher of Westview, a weekly newspaper of general circulation, printed in the State of Tennessee and distributed throughout Davidson, Williamson, Cheatham and Dixon County in Tennessee, states that the hereto attached publication appeared in The Westview on the following dates:

November 4, 2011
November 11 2011
November 18, 2011

THE WESTVIEW NEWSPAPER, LLC

By: _____
Catron J. Kerr, Administrative Assistant

STATE OF TENNESSEE

On this **18th** day of **November 2011**, this instrument was signed and sealed in behalf of the corporation (or association), by authority of its Board of Directors and **Catron J. Kerr** acknowledged the instrument to be the free act and deed of the corporation (or association) and that the corporation has no corporate seal.

FIT/FPS